

Court of Appeals, Division One
Criminal

1 CA-CR 16-0088

STATE v. CARR

Appellate Case Information

Case Filed: 19-Feb-2016
Case Closed:

Dept/Composition

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Elizabeth B N Garcia, Esq. (AZ Bar No. 32209)

Side 2. RALPH CARR, Appellant

(Litigant Group) RALPH CARR

- Ralph Carr

Attorneys for: Appellant

Rick D Poster, Esq. (AZ Bar No. 18115)

CASE STATUS

Aug 18, 2016....Record Complete-Notice Completion Sent

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2012-010243-001	See File	See File	Pamela S Gates, Sentencing	JURY	

OPEN DUE DATE

Answering Brief Due

Due By: Wednesday, January 18, 2017

Re: FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)

110 PROCEEDING ENTRIES

1.	19-Feb-2016	FILED: Notice of Appeal from Maricopa County Superior Court filed 02/05/16. Notification sent to Court Reporters dated 2/18/2016
2.	24-Feb-2016	ORDERED: Appointing Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Transcripts due 04/08/16. Anthony Mackey ProTem Judge - Author
3.	29-Feb-2016	FILED: Reporters Transcript - 10/01/2015 - (Treva Colwell)
4.	29-Feb-2016	FILED: Reporters Transcript - 10/05/2015 - (Treva Colwell)
5.	29-Feb-2016	FILED: Reporters Transcript - 10/19/2015 - (Treva Colwell)
6.	29-Feb-2016	FILED: Reporters Transcript - 10/20/2015 - (Treva Colwell)
7.	29-Feb-2016	FILED: Reporters Transcript - 10/21/2015 - (Treva Colwell)
8.	7-Mar-2016	FILED: Reporters Transcript - 10/22/2015 - (Treva Colwell)
9.	7-Mar-2016	FILED: Reporters Transcript - 10/26/2015 - (Treva Colwell)
10.	7-Mar-2016	FILED: Reporters Transcript - 11/02/2015 - (Treva Colwell)
11.	14-Mar-2016	FILED: Reporter's Transcript of Proceedings - 03/23/2015 Trial - (Melissa Gonsalves)
12.	14-Mar-2016	FILED: Courtesy Copy of Designation of Record for Appeal Filed in Superior Court (Appellant)
13.	17-Mar-2016	ORDERED: Court Reporter Hilda Lopez transcript dated 04/13/15 due 04/18/16. Hon Samuel A Thumma - Author
14.	17-Mar-2016	ORDERED: Court Reporter Jennifer Pencratz transcript dated 03/24/15 due 04/18/16. Hon Samuel A Thumma - Author
15.	17-Mar-2016	ORDERED: Court Reporter Cynthia Lineburg transcript dated 03/19/15 due 04/18/16. Hon Samuel A Thumma - Author

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16. 17-Mar-2016 ORDERED: Court Reporter Crystal Hereford transcript dated 02/05/15 due 04/18/16. Hon Samuel A Thumma - Author
17. 17-Mar-2016 ORDERED: Court Reporter Scott Kindle transcript dated 11/25/14 due 04/18/16. Hon Samuel A Thumma - Author
18. 17-Mar-2016 ORDERED: Court Reporter Patricia Kotarba transcripts dated 10/29/14, 02/10/15 due 04/18/16. Hon Samuel A Thumma - Author
19. 17-Mar-2016 ORDERED: Court Reporter Treva Colwell transcripts dated 05/15/14, 09/04/14, 11/18/14, 01/21/15, 02/03/15, 02/09/15, 02/10/15, 02/17/15, 02/19/15, 03/04/15, 03/05/15, 03/10/15, 03/11/15, 03/12/15, 03/16/15, 03/17/15, 03/18/15, 03/19/15, 03/23/15, 03/25/15 due 04/18/16. Hon Samuel A Thumma - Author (AMENDED per order dated 03/21/2016)
20. 17-Mar-2016 ORDERED: Court Reporter April Hunt transcript dated 04/28/14 due 04/18/16. Hon Samuel A Thumma - Author
21. 17-Mar-2016 ORDERED: Court Reporter Jovanna Roman transcript dated 01/22/14 due 04/18/16. Hon Samuel A Thumma - Author
22. 17-Mar-2016 ORDERED: Court Reporter Nicole Sesta transcripts dated 08/05/13, 08/12/13, 08/26/13, 10/01/13, 11/06/13, 12/09/13, 03/05/14 due 04/18/16. Hon Samuel A Thumma - Author
23. 17-Mar-2016 ORDERED: Court Reporter Helene Paustian transcripts dated 05/08/13, 07/02/13, 03/09/15 due 04/18/16. Hon Samuel A Thumma - Author
24. 17-Mar-2016 ORDERED: Court Reporter Melody O'Donnell transcript dated 04/15/13 due 04/18/16. Hon Samuel A Thumma - Author
25. 17-Mar-2016 ORDERED: Court Reporter Traci Stutsman transcript dated 01/04/13 due 04/18/16. Hon Samuel A Thumma - Author
26. 17-Mar-2016 ORDERED: Ken Crenshaw transcripts dated 12/31/12, 10/05/15 due 04/28/16. Hon Samuel A Thumma - Author
27. 18-Mar-2016 FILED:e-Record on Appeal: (Includes Designation of Record)
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None Sent with e-Record
28. 18-Mar-2016 FILED: Additional Record on Appeal
Exhibits:
Hearing Date 01/21/2015 - List # 1 in a Manila Envelope
Hearing Date 02/09/2015 - List # 1 2 3 4 5 7 8 12 13 15 16 17 18 19 21 22 25 27 29 30 33 35 36 37 38 39 40 46 47 50 51 52 53 55 59 69 91 93 95 96 97 98 99 100 102 106 110 111 112 114 120 121 123 126 136 138 139 141 142 143 144 146 147 149 150 151 153 156 164 165 166 168 169 171 172 193 194 198 199 200 202 203 205 206 207 279 282 292 295 296 297 307 309 310 311 313 316 324 325 326 327 328 329 330 331 334 335 in a Manila Envelope
Hearing Date 10/01/2015 - List # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 22 25 26 27 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 52 53 54 55 56 57 58 61 62 66 71 72 74 85 86 87 88 89 90 91 92 136 141 240 252 253 267 268 in a Manila Envelope
Sealed Items:
Confidential Criminal History Addendum in Sealed Manila Envelope
29. 21-Mar-2016 FILED: Reporter's Transcripts - 02/19/2015 - Trial - Day 5 (Treva B. Colwell)
30. 21-Mar-2016 FILED: Reporter's Transcripts - 3/4/2015 - Trial - Day 6 (Treva B. Colwell)
31. 21-Mar-2016 FILED: Reporter's Transcripts - 3/5/2015 - Trial - Day 7 (Treva B. Colwell)
32. 21-Mar-2016 FILED: Reporter's Transcripts - 3/11/2015 - Trial - Day 10 (Treva B. Colwell)
33. 21-Mar-2016 FILED: Reporter's Transcripts - 11/3/2015 - Trial - Day 9 (Treva B. Colwell)
34. 21-Mar-2016 AMENDED ORDER: Court Reporter Treva Colwell transcripts dated 05/15/14, 09/04/14, 11/18/14, 01/21/15, 02/03/15, 02/09/15, 02/10/15, 02/17/15, 02/19/15, 03/04/15, 03/05/15, 03/10/15, 03/11/15, 03/12/15, 03/16/15, 03/17/15, 03/18/15, 03/19/15, 03/23/15, 03/25/15, 03/26/15, 08/20/15, 09/16/15, 09/28/15, 11/03/15, 11/04/15, 11/05/15, 11/17/15, 11/18/15, 11/19/15, 11/24/15, 12/07/15, 02/05/16 due 04/18/16. Hon Samuel A Thumma - Author
35. 28-Mar-2016 FILED: Reporter's Transcript - 11/4/15 - Trial Day 10 (Treva B.Colwell)

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36.	28-Mar-2016	FILED: Reporter's Transcript - 11/5/15 - Trial Day 11 (Treva B. Colwell)
37.	28-Mar-2016	FILED: Reporter's Transcripts - 11/17/15 - Trial Day 12 (Treva B. Colwell)
38.	28-Mar-2016	FILED: Reporter's Transcripts - 11/18/15 - Trial Day 13 (Treva B. Colwell)
39.	29-Mar-2016	FILED: Reporter's Transcript - 02/05/15 - Pretrial Conference (Crystal Hereford)
40.	30-Mar-2016	FILED: Reporter's Transcript - 12/31/12 - Not Guilty Arraignment (Janice Penfield)
41.	30-Mar-2016	FILED: Reporter's Transcript - 12/31/12 - Not Guilty Arraignment (Janice Penfield)
42.	30-Mar-2016	FILED: Reporter's Transcript - 11/05/15 - Trial to the Jury Day 11 (Janice Penfield)
43.	6-Apr-2016	FILED: Reporter's Transcripts - 3/10/15 - Trial Day 9 (Treva B. Colwell)
44.	6-Apr-2016	FILED: Reporter's Transcripts - 3/12/15 - Trial - Day 11 (Treva B. Colwell)
45.	8-Apr-2016	FILED: Reporter's Transcript - 03/24/15 - Trial (Jennifer Pancratz)
46.	8-Apr-2016	FILED: Reporter's Transcript - 1/4/13 (Traci Stutsman)
47.	9-Apr-2016	FILED: Motion for Extension (Court Reporter Karen Bolton)
48.	11-Apr-2016	ORDERED: Extending until 5/9/16 the deadline for Karen Bolton to file the transcript of 1/16/15. FURTHER ORDERED: if transcript not filed, OSC 5/18/16 at 2:30. Hon Samuel A Thumma - Author
49.	11-Apr-2016	FILED: Reporter's Transcript - 1/4/13 (Traci J. Stutsman)
50.	11-Apr-2016	FILED: Reporter's Transcript - 04/28/2014 - Conference (April Hunt)
51.	12-Apr-2016	FILED: Reporter's Transcript - 03/19/15 - Trial PM Session (Cindy Lineburg)
52.	12-Apr-2016	FILED: Reporter's Transcript - 01/16/2015 - Hearing - (Karen Bolton)
53.	13-Apr-2016	FILED: Reporter's Transcript - 11/25/14 - Oral Argument (Scott A. Kindle)
54.	13-Apr-2016	FILED: Reporter's Transcript - 10/29/2014 - Status Conference (Patricia Kotarba)
55.	13-Apr-2016	FILED: Motion to Unseal Documents; Certificate of Service (Appellant)
56.	14-Apr-2016	FILED: Reporter's Transcript - 3/16/15 - Trial Day 12 (Treva B. Colwell)
57.	14-Apr-2016	FILED: Reporter's Transcript - 3/17/15 - Trial Day 13 (Treva B. Colwell)
58.	14-Apr-2016	FILED: Reporter's Transcript - 11/19/15 - Trial Day 14 (Treva B. Colwell)
59.	15-Apr-2016	FILED: Reporter's Transcript - 11/23/15 - Jury Trial (Lori Reinhardt)
60.	15-Apr-2016	FILED: Reporter's Transcript - 2/18/15 - Trial Day 4 (Treva B. Colwell)
61.	15-Apr-2016	FILED: Reporter's Transcripts - 3/18/15 - Trial Day 14 (Treva B. Colwell)
62.	15-Apr-2016	FILED: Reporter's Transcript - 3/19/15 - Trial Day 15 (Treva B. Colwell)
63.	15-Apr-2016	FILED: Reporter's Transcript - 3/23/15 - Trial Day 16 (Treva B. Colwell)
64.	15-Apr-2016	FILED: Reporter's Transcript - 3/25/15 - Trial Day 15 (Treva B. Colwell)
65.	15-Apr-2016	FILED: Letter, 4/15/16, from Court Reporter Treva Colwell requesting an extension of time to file transcripts
66.	15-Apr-2016	FILED: Motion for Extension of Time to File Transcripts (Court Reporter Nicole Sesta)
67.	17-Apr-2016	FILED: Reporter's Transcript - 02/10/15 - Jury Trial (Patricia Kotarba)
68.	18-Apr-2016	FILED: Reporter's Transcripts - 5/15/14 - Complex Case Management Conference (Treva B. Colwell)
69.	18-Apr-2016	FILED: Reporter's Transcript - 9/4/14 - Final Trial Management Conference (Treva B. Colwell)
70.	18-Apr-2016	FILED: Reporter's Transcripts - 11/18/14 - Status Conference (Treva B. Colwell)

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71.	18-Apr-2016	FILED: Reporter's Transcript - 3/9/15 - Jury Trial (Helene Paustian)
72.	18-Apr-2016	FILED: Reporter's Transcript - 5/8/13 - Status Conference (Helene Paustian)
73.	18-Apr-2016	FILED: Reporter's Transcript - 7/2/13 - Status Conference (Helene Paustian)
74.	18-Apr-2016	FILED: Reporter's Transcript - 4/13/15 - Status Conference (Hilda Lopez)
75.	18-Apr-2016	ORDERED: Motion for Extension of Time to File Transcripts (Court Reporter Nicole Sesta) = GRANTED/Due Dates EXTENDED to 05/18/2016 for Transcripts dated 08/05/2013, 08/12/2013, 08/26/2013, 10/01/2013, 11/06/2013, 12/09/2013, 03/05/2014 or OSC 06/01/2016. Hon Samuel A Thumma - Author
76.	18-Apr-2016	ORDERED: Letter, 4/15/16, from Court Reporter Treva Colwell requesting an extension of time to file transcripts = GRANTED/Due Dates EXTENDED to 05/18/2016 for Transcripts dated 11/24/2015, 12/07/2015, 02/05/2016, 01/21/2015, 02/03/2015, 02/09/2015, 02/10/2015, 02/17/2015, 03/18/2015, 03/19/2015, 03/26/2015, 08/20/2015, 09/16/2015, 09/28/2015, 02/18/2015 or OSC 06/01/2016. Hon Samuel A Thumma - Author
77.	20-Apr-2016	ORDERED: Motion to Unseal Documents (Appellant) = GRANTED/Unsealing email request to continue, IOR 49, random lists, IOR 170 and 295, jury questionnaires, IOR 193-198, Rule 2.3 victim identifier, IOR 215 for this appeal only. Anthony Mackey ProTem Judge - Author
78.	21-Apr-2016	FILED: Affidavit - 4/21/2016 - (Jovanna Roman)
79.	21-Apr-2016	FILED: Reporter's Transcripts - 12/7/15 - Trial - Day 17 (Treva B. Colwell)
80.	21-Apr-2016	FILED: Reporter's Transcripts - 9/28/15 - Status Conference (Treva B. Colwell)
81.	21-Apr-2016	FILED: Reporter's Transcripts - 9/16/15 - Status Conference (Treva B. Colwell)
82.	21-Apr-2016	FILED: Reporter's Transcripts - 8/20/15 - Status Conference - (Treva B. Colwell)
83.	25-Apr-2016	FILED: Reporter's Transcripts - 1/21/15 - Evidentiary Hearing (Treva B. Colwell)
84.	25-Apr-2016	FILED: Reporter's Transcripts - 02/03/15 - Final Trial Management Conf. (Treva B. Colwell)
85.	25-Apr-2016	FILED: Reporter's Transcripts - 2/10/15 - Trial - Day 2 (Treva B. Colwell)
86.	25-Apr-2016	FILED: Reporter's Transcripts - 3/26/15 - Trial - Day 19 (Treva B. Colwell)
87.	27-Apr-2016	FILED: Reporter's Transcripts - 2/9/15 - Trial Day 1 (Treva B. Colwell)
88.	27-Apr-2016	FILED: Reporter's Transcript - 11/24/15 - Trial Day 15 (Treva B. Colwell)
89.	27-Apr-2016	FILED: Reporter's Transcripts - 2/5/16 - Sentencing (Treva B. Colwell)
90.	28-Apr-2016	FILED: Reporter's Transcript - 8/5/13 (Nicole Sesta)
91.	28-Apr-2016	FILED: Reporter's Transcript - 8/12/13 (Nicole Sesta)
92.	28-Apr-2016	FILED: Reporter's Transcript - 8/26/13 (Nicole Sesta)
93.	28-Apr-2016	FILED: Reporter's Transcript - 10/01/13 (Nicole Sesta)
94.	28-Apr-2016	FILED: Reporter's Transcript - 11/6/13 (Nicole Sesta)
95.	28-Apr-2016	FILED: Reporter's Transcript - 12/9/13 (Nicole Sesta)
96.	28-Apr-2016	FILED: Reporter's Transcript - 3/5/14 (Nicole Sesta)
97.	29-Apr-2016	ORDERED: Court Reporter Melody A. O'Donnell transcript dated 04/15/2013 past due. OSC set for 05/18/2016.
98.	29-Apr-2016	ORDERED: Court Reporter Jovanna Roman transcript dated 01/22/2014 past due. OSC set for 05/18/2016. Hon Samuel A Thumma - Author
99.	29-Apr-2016	FILED: Reporter's Transcripts: 4/15/2003 - Complex Case Management Conference - (Melody O'Donnell)
100.	6-May-2016	FILED: Reporter's Transcript - 2/17/15 - Trial Day 3 (Treva B. Colwell)
101.	18-May-2016	FILED: Motion to Remand to Reconstruct Record; Certificate of Service (Appellant)

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| 102. | 25-May-2016 | ORDERED: Motion to Remand to Reconstruct Record (Appellant) = GRANTED/Staying this appeal to/including 06/28/2016 and revesting jurisdiction in the Superior Court of Maricopa County for the purpose of permitting the trial court and trial counsel to reconstruct the record in this matter. FURTHER ORDERED: Superior Court shall rule on and reconstruct the record. FURTHER ORDERED: Superior Court shall transmit a certified copy of its written findings and/or the reconstructed materials within five days after entry due 06/29/2016. FURTHER ORDERED: This appeal shall be automatically reinstated on 06/29/2016. Anthony Mackey ProTem Judge - Author |
| 103. | 1-Jul-2016 | ORDERED: Continuing the stay of this appeal to and including 07/28/2016. The reinstatement date is extended to 07/29/2016. Anthony Mackey ProTem Judge - Author |
| 104. | 4-Aug-2016 | FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes copy of transcripts filed directly with COA1 previously) |
| 105. | 18-Aug-2016 | FILED: Notice of Completion of Record |
| 106. | 9-Sep-2016 | FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant) |
| 107. | 20-Sep-2016 | ORDERED: Motion to Withdraw and Substitute New Counsel (Appellant) = GRANTED/Appointing attorney Rick Poster as attorney for appellant. FURTHER ORDERED: Maricopa County Public Defender forward to newly-appointed counsel all files, records, transcripts. FURTHER ORDERED: Motion to Extend Opening Brief Due Date = GRANTED/Due date EXTENDED from Monday, 10-03-2016 to Thursday, 11-03-2016. Anthony Mackey ProTem Judge - Author |
| 108. | 21-Oct-2016 | ORDERED: Opening Brief due date EXTENDED from Thursday, 11-03-2016 to Monday, 12-05-2016 Fred Cole ProTem Judge - Author |
| 109. | 4-Dec-2016 | FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant) |
| 110. | 16-Dec-2016 | FILED: Notice of Appearance; Certificate of Service (Appellee) |